

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JUANA ORTIZ :
Debtor : CASE NO. 5-22-00155

JUANA ORTIZ :
Movant :
vs. :
LUZERNE COUNTY TAX CLAIM :
BUREAU, FAY SERVICING, HAZLETON :
CITY AUTHORITY, MUNICIPAL AUTH OF :
HAZLE TOWNSHIP, INTERNAL REVENUE: :
SERVICE, PA DEPARTMENT OF REVENUE :
and JACK N. ZAHAROPOULOS, ESQUIRE :
Respondents :

**ORDER GRANTING DEBTOR'S MOTION FOR PRIVATE SALE OF REAL AND
PERSONAL PROPERTY FREE AND CLEAR OF ALL LIENS, CHARGES AND
ENCUMBRANCES**

Upon consideration of the within Motion and after Notice duly given to the Creditors and other parties in interest, the Debtor, Juana Ortiz are hereby granted leave to sell real property located at 620 Putnam St., Hazleton, PA along with personal property and fixtures to Radhames Seijas Araujo for the sum of Two Hundred Forty Thousand (\$240,000.00) Dollars. All valid liens and encumbrances to attach to the proceeds of said sale, except the encumbrances of outstanding real estate taxes.

Further, the Debtor is granted leave to allow distribution of the proceeds of the sale at closing as follows:

- a. Any out-of-pocket expenses advanced by Tullio DeLuca, Esquire in connection with the sale of the aforementioned property, and which have not been reimbursed at the time of settlement along with an attorney fee of \$1,500.00;
- b. Any Notarization and/or incidental recording fees associated with the sale of the above property;
- c. Realtors Commission of 6% of the sales price;

- d. Any transfer tax which is the responsibility of the seller herein;
- e. Any unpaid real estate taxes and other municipal claims/liens arising from property;
- f. Payment in full to Fay Servicing.; Debtor's counsel and/or Debtor's closing agent shall contact creditor through it's counsel to obtain a current payoff quote from Creditor to ensure the full amount of Creditor's lien, which lien is recorded in the Office of the Recorder of Deeds of Luzerne County, Pennsylvania as of December 04, 2007, at Instrument Number 5797804 is paid. Debtor's counsel and/or Debtor's closing agent shall contact Creditor the day of closing to ensure the payoff amount is valid and correct. Creditor's secured claim, plus all additional interest, loan charges and advances, fees, etc. shall be paid in full through the sale of the property. Any short sale must be approved by Creditor in writing prior to the sale.
- g. That any other unpaid liens shall attach to the remaining sale proceeds;
- h. Debtor's exemption if any;
- I. The net sale proceeds in an amount to pay the balance owed to the Chapter 13 Trustee, if any, from the above sale shall be paid to Jack N. Zaharopoulos, Esq., Chapter 13 Trustee, for distribution to creditors in accordance with the Debtor's confirmed Plan

Further, the Debtor is allowed to escrow funds at closing for a potential capital tax gain liability.

Date

J.